

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARILYN MARGULIS )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. \_\_\_\_\_  
 )  
 EZ HOME SOLUTIONS, LLC, et al. )  
 )  
 Defendants. )

**NOTICE OF REMOVAL**

Defendant, EZ Home Solutions, LLC, by counsel, files this Notice of Removal to this Court of an action pending against it in the Twenty-First Judicial Circuit Court of City of St. Louis, Missouri, which bears the same (title as above) and is docketed as Case No. 16SL-CC01910 (“State Court Action”). Removal of this case is authorized pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, based on the following grounds:

1. On May 24, 2016, Plaintiff, Marilyn Margulis (“Plaintiff”), through the State Court Action, filed a Petition (“Petition”) against the above named Defendant, as well as John Does 1-10.

2. A true and correct copy of the Petition, summons and return of service filed in the State Court Action is attached hereto as **Exhibit A**.

3. Defendant EZ Home Solutions, LLC was served with a copy of the Petition and summons on June 14, 2016.

4. Federal Courts have original jurisdiction over claims or rights “arising under the Constitution, treaties, or laws of the United States” pursuant to 28 U.S.C. § 1331.

5. Count I of Plaintiff’s Petition asserts a claim for alleged violations under the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (“TCPA”).

6. This Court has original federal question jurisdiction over the State Court Action in that the claim discussed above arises under the “Constitution, treaties, or laws of the United States.” 28 U.S.C. § 1331; *see also Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012) (holding federal and state courts have concurrent jurisdiction over claims asserted under TCPA); *Heller v. HRB Tax Group, Inc.*, 2012 WL 163843, at \* (E.D. Mo. Jan. 19, 2012) (finding court had federal-question jurisdiction over claim asserted under TCPA).

7. Because this Court has original jurisdiction over this action under 28 U.S.C. § 1331, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

8. Pursuant to 28 U.S.C. § 1446(b), Defendant has timely removed this action because this Notice of Removal is being filed within 30 days after service of the initial pleading setting forth the claim for relief upon which this action is based. *Murphy Bros, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (removal period begins to run from date of service).

9. Defendant will provide Plaintiff with written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d). The Notice to the Plaintiff is being filed concurrently as a separate filing.

10. Pursuant to the requirements of 28 U.S.C. § 1446(d), Defendant has filed a Notice of Removal with the Circuit Clerk of the Twenty-First Judicial Circuit of Missouri, where the Petition was originally filed. The Notice is being filed concurrently as a separate filing.

11. Defendant has not filed an answer or other responsive pleading to the Petition in the Twenty-First Judicial Circuit of Missouri.

12. The “John Does 1-10” defendants have not been served with summons.

WHEREFORE, Defendant, EZ Home Solutions, LLC, respectfully requests that this Court issue all necessary orders prohibiting further proceedings in this case before in the Twenty-First Judicial Circuit Court of the County of St. Louis, Missouri, and bringing this cause before this Court.

Respectfully submitted,

HAMILTON WEBER LLC

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*Attorneys for Defendant EZ Home Solutions, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was served this  
14<sup>th</sup> day of July 2016:

  X   United States mail, postage prepaid;

       electronic transmission

       facsimile transmission at        a.m./p.m.;

       hand delivery; to:

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